

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FREDERICK B. WILLIAMS

Petitioner,

v.

WARDEN JAMES F. SHERMAN

Respondent.

Civil Action NO. 05-242 Erie

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on August 22, 2005, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on December 21, 2005, recommended that the Petitioner's Emergency Motion to Expedite Discovery and Hearing (Document #10) be denied and the instant petition for writ of habeas corpus be dismissed. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner's Counsel by electronic mail through CM/ECF, and on Respondent. Objections were filed by Petitioner on January 6, 2006, After de novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 19th Day of January, 2006;

IT IS HEREBY ORDERED that the Petitioner's Emergency Motion to Expedite Discovery and Hearing (Document #10) be DENIED and the instant petition for writ of habeas corpus be DISMISSED.

The Report and Recommendation of Magistrate Judge Baxter, dated December 21, 2005, is adopted as the opinion of the Court.

/s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record.
Susan Paradise Baxter
U.S. Magistrate Judge